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2008 AUG 11 PM 2:27

CLERK, US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY XNA DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

) Case No. 08 CV 1437 WQH BLM
) Notice of Motion For Summary Judgment
,) Motion to Quash Summon and Complaint

SUNBELT TOWING, INC

DBA WESTER4N TOWNING

Plaintiffs

v

Andrew Moore
Defendants/ Respondents

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)
Date: Sept 15, 2008
Time: 11 AM
Courtroom: 4
880 FRONT ST
SAN DIEGO CA 92101

All Parties have been currently Served

NOTICE TO ALL PARTIES, PLEASE TAKE NOTICE

On or Around Sept 15 2008, at 11 AM/PM in Courtroom 4

In the above court listed in the above, entitle to Review Application for Motion for
Summary Judgment and Alternative Motion to Quash Summons and Complaint, and
Order to show cause why Complaint shall not be dismiss with prejudice, with support by
Memorandum Point and Authority , and Verified Affidavit in support Thereof

Andrew Moore

ucc 1-207.7

Andrew Moore

" All Right Reserved"

Aug 11, 2008

FILED

2008 AUG 11 PM 2:27

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY VN DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SUNBELT TOWING, INC

DBA WESTER4N TOWNING

-) CASE NO.08 CV 1437 WQH BLM
-) Memorandum Point and Authority
Motion for Summary Judgments and
Alternative
-) Motion to Quash Summon/ Complaint
-) Alternative Order to Show Cause why the
Complaint should not be Dismiss
With Prejudice
-)

Plaintiffs

v

Andrew Moore

Defendants/ Respondents

-) All Parties have been Currently served
-) DATE: SEPT 15, 2008
-) TIME: 11:00 AM
-) PLATE: DEPT 4
800 FRONT ST
SAN DIEGO CALIF 92101
-)

Memorandum Point and Authority

Absence of Personal Jurisdiction In California Courts Rule of court 1230(a)(2)

Special appearance challenging the court's personal jurisdiction by motion to quash / Order to show cause

Rule 1230. Motion to Quash Proceeding. (a) Within the time permitted to file a response, the respondent may move to quash the proceeding, in whole or in part, for any of the following: (2) That there is a prior judgment between the same parties for the same cause.

- 1 • Rule 1234. Motion to Quash Summons. In a proceeding , a respondent may
2 serve and file a notice of motion to quash the service of summons upon the
3 ground of lack of jurisdiction of the court over him or a notice of the filing of a
4 petition for writ of mandate under the circumstances and in the manner provided
5 by Section 418.10 of the Code of Civil Procedure.
- 6 • Code of Civil Procedure § 418.10. Provides for motion to quash challenging the
7 court's absence of personal jurisdiction, during which time the court has no
8 jurisdiction over the party.
- 9 • **Code of Civil Procedure Section 418.10. Defendant May Serve and File Notice**
10 **of Motion to Quash Service of Summons or to Stay or Dismiss Action/Time**
11 **Limit Grounds—Conditions/Default.**
- 12 (a) A defendant, on or before the last day of his time to plead or within such further
13 time as the court may for good cause allow, may serve and file a notice of motion either
14 or both:
- 15 (1) To quash service of summons on the ground of lack of jurisdiction of the court over
16 him.
- 17 • Rule 1230(a)(2) (which deprives court of jurisdiction of personal and subject
18 matter jurisdiction if there is a prior judgment).
- 19 • Rule of Court 1230 Motion to Quash Proceeding. (a)(2) That there is a prior
20 judgment or another action pending between the same parties for the same cause.
21 Civil Code Section 4356. Special Appearance During Pendency of Motion. (a)
22 During the time a motion pursuant to Section 418.10 of the Code of Civil
23 Procedure is pending, the respondent may appear in opposition to an order made
24 during the pendency of this part and the appearance shall not be deemed a
25 general appearance by the respondent.
- 26 • Rule 1234.(motion to quash summons).
- 27 • Rule 1234. Motion to Quash Summons. In a proceeding , a respondent may
28 serve and file a notice of motion to quash the service of summons upon the
 ground of lack of jurisdiction of the court over him or a notice of the filing of a
 petition for writ of mandate under the circumstances and in the manner provided
 by Section 418.10 of the Code of Civil Procedure.
- 29 • Rule 1239(a)(2) (Motion to quash responsive relief on basis of prior judgment).
30 Rule 1239. Motion to Quash Responsive Relief. (a) Within 15 days after the filing of
31 the response, the petitioner may move to quash, in whole or in part, any request for
32 affirmative relief in the response for any of the following: (1) Respondent's lack of
33 legal capacity to sue. (2) That there is a prior judgment or another action pending

1 between the same parties for the same cause. (3) That the residence required by Civil
 2 Code Section 4530 is lacking. ... (b) The notice of motion to quash pursuant to this rule
 3 shall specify a hearing date not more than 20 days from the date of filing such notice.
 4 (c) A notice of motion to quash pursuant to this rule shall distinctly specify the ground
 5 upon which the motion is based. Unless it does so, the motion may be disregarded by
 6 the court. (d) When a motion to quash pursuant to this rule is based on a matter of
 7 which the court may take judicial notice pursuant to Section 452 or 453 of the Evidence
 8 Code, such matter must be specified in the motion or in the supporting memorandum of
 9 points and authorities for the purpose of invoking such notice except as the court may
 10 otherwise permit.

11 • Rule 1281 (petition form, limiting causes of action to those stated on the form--
 12 which does not include attacks upon prior judgments).

13
 14 Rule 1281. Petition for Dissolution Form. Form clearly shows that the causes of action
 15 are limited to "proceedings," as defined by Rule of Court 1201(c), to termination of an
 16 existing marriage, legal separation from an existing marriage, or nullity of marriage.
 17 There is no provision on the form to attack prior judgments, or previously adjudicated
 18 personal or property rights.

19
 20 Black's Law dictionary defines "vexatious proceedings" as follows:
 21 Proceeding instituted maliciously and without probable cause. *Paramount*
 22 *Pictures v. Blumenthal*, 256 App.Div. 756, 11 N.Y.S.2d 768, 772. When the party
 23 bringing proceeding merely wishes to annoy or embarrass his opponent, or when
 24 it is not calculated to lead to any practical result. Such a proceeding is often
 25 described as "frivolous and vexatious," and the court may dismiss it on that
 26 ground. "An appeal [or complaint] is not frivolous if "any of the legal points [are]
 27 arguable on their merits ..." *Anders v. California* (1967) 386 U.S. 738; "The
 28 objective standard looks at the merits of the appeal from a reasonable person's
 perspective. ... whether any reasonable person would agree that the point is
 totally and completely devoid of merit, and therefore, frivolous. ... an appeal is not
 frivolous if "any of the legal points [are] arguable on their merits." *In re Marriage of*
Flaherty (1982) 31 Cal.3d 637, 649.

29
 30 Interpretation of a frivolous filing in California, under Code of Civil
 31 Procedure 907 and Rule of Court 26(a).

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5 "For the purpose of determining whether a complaint is "frivolous," the court
6 presumes that the plaintiff's allegations are true." *Hernandez v. Denton*, 88
7 C.D.O.S. 8132 (9th Cir. Nov. 23, 1988); quoting *Franklin*, 745 F.2d at 1228.
8

9 Caveat and Disclaimer of Relief under Title 42 USC § 1964. Civil Remedies.

10 (a) The district courts of the United States shall have jurisdiction to prevent
11 and restrain violations of section 1962 of this chapter by issuing appropriate
12 orders, including, but not limited to: ordering any person to divert himself of any
13 interest, direct or indirect, in any enterprise; imposing reasonable restrictions of
14 the future activities or investments of any person, including, but not limited to,
15 prohibiting any person from engaging in the same type of endeavor as the
16 enterprise engaged in, the activities of which affect interstate or foreign
17 commerce; or ordering dissolution or reorganization of any enterprise, making
18 due provision for the rights of innocent persons.

19 (b) The Attorney General may institute proceedings under this section.
20 Pending final determination thereof, the court may at any time enter such
21 restraining orders or prohibitions, or take such other actions, including the
22 acceptance of satisfactory performance bonds, as it shall deem proper.

23 (c) Any person injured in his business or property by reason of a violation
24 of section 1962 of this chapter may sue therefore in any appropriate United
25 States district court and shall recover threefold the damages he sustains and
26 the cost of the suit, including a reasonable attorney's fee.

27 (d) A final judgment or decree rendered in favor of the United States in any
28 criminal proceeding brought by the United States under this chapter shall estop the

1 defendant from denying the essential allegations of the criminal offense in any
2 subsequent civil proceeding brought by the United States.

3 **Title 42 USC § 1965. Venue and Process.** (Any civil action or proceeding under
4 this chapter against any person may be instituted in the district court of the
5 United States for any district in which such person resides, is found, has an
6 agent, or transacts his affairs.

7 (b) In any action under section 1964 of this chapter in any district
8 court of the United States in which it is shown that the ends of justice require
9 that other parties residing in any other district be brought before the court, the
10 court may cause such parties to be summoned, and process for that purpose
11 may be served in any judicial district of the United States by the marshal
12 thereof.

13 (c) In any civil or criminal action or proceeding instituted by the United
14 States under this chapter in the district court of the United States for any judicial
15 district, subpoenas issued by such court to compel the attendance of witnesses may be
16 served in any other judicial district, except that in any civil action or proceeding no
17 such subpoena shall be issued for service upon any individual who resides in another
18 district at a place more than one hundred miles from the place at which such court is
19 held without approval given by a judge of such court upon a showing of good cause.

20 (d) All other process in any action or proceeding under this chapter may be
21 served on any person in any judicial district in which such person resides, is
22 found, has an agent, or transacts his affairs.

23

- 24 • Civil Code §§ 4554. Effect of final judgment constitute a final adjudication of
25 the rights and obligations of the parties.
- 26 • Civil Code Section 4554. Effect of final judgment Entry of the final judgment
27 shall constitute a final adjudication of the rights and obligations of the parties
with respect to the status of the marriage and property rights and shall constitute
a waiver of their respective rights to spousal support, rights to appeal, and rights
to move for a new trial. [Note: This section of the Family Law Act provides
protection against relitigating, and bars collateral attack being prior divorce

1 judgments.]

- 2 • Civil Code § 5004. Full faith and credit must be given to each of the six divorce
- 3 judgments entered as local judgments in the states of Nevada, Oklahoma, Texas,
- 4 Colorado and the California counties of Contra Costa and Solano.
- 5 • Civil Code § 5004. Full Faith and Credit Requirements. The application of this
- 6 title is limited by the requirement of the Constitution of the United States that
- 7 full faith and credit shall be given in each state to the public acts, records, and
- 8 judicial proceedings of every other state.
- 9
- 10 • Civil Code § 5164. Filing of divorce judgment from another state must be
- 11 accepted as judgment of the state of California.

12 Civil Code § 5164. Filing of Decree of Another State With superior Court Clerk--

13 Expenses of Enforcing Decree. (a) A certified copy of a custody decree of another state

14 may be filed in the office of the clerk of any superior court of this state. The clerk shall

15 treat the decree in the same manner as a custody decree of the superior court of this

16 state. A custody decree so filed has the same effect and shall be enforced in like manner

17 as a custody decree rendered by a court of this state.

- 18 • Code of Civil Procedure § 1699(b). Foreign support order must be treated in the
- 19 same manner as one rendered by a California court.
- 20 • Code of Civil Procedure § 1699: Upon registration the registered foreign support
- 21 orders shall be treated in the same manner as a support order issued by a court of
- 22 this state.
- 23 • Foreign state judgments must be recognized as local judgments.

24 Code of Civil Procedure § 1713.1. Foreign State and Foreign Judgment Defined. As

25 used in this chapter: (1) "Foreign state" means any governmental unit other than the

26 United States, or any state, district, commonwealth, territory, insular possession thereof,

27 or the Panama Canal Zone, or the Trust Territory of the Pacific Islands. (2) "Foreign

28 judgment" means any judgment of a foreign state granting or denying recovery of a

sum of money, other than a judgment for taxes, a fine, or other penalty, or a judgment

for support in matrimonial or family matters.

- 29 • Code of Civil Procedure § 1713.3. Defines "foreign judgment" as a judgment of
- 30 another nation.

31 Under the Uniform Foreign Money-Judgments Recognition Act (California Code of

32 Civil Procedure Sections 1713.1 (2) defines a "foreign judgment" as "any judgment of a

33 foreign state granting or denying recovery of a sum of money. The foreign judgment is

34 enforceable in the same manner as the judgment of a sister state which is entitled to full

35 faith and credit, ...

- 36 • Effect of foreign state or sister state judgment must be recognized as a local
- 37 judgment.

1 Code of Civil Procedure Code § 1908. Conclusiveness and Effect of Judgment. (a) The
 2 effect of a judgment or final order in an action or special proceeding before a court or
 3 judge of this state [is] ... conclusive between the parties..... [extended to foreign country
 4 judgments by Civil Code Sections 5172, Code of Civil Procedure Sections 1653(j),
 1713.3.]

- 5 • Parties to the prior judgment are precluded from attacking the judgment (as is
 also stated in the 1966 judgment).

6 Code of Civil Procedure § 1910. Parties Concluded by Judgment. The parties are
 7 deemed to be the same when those between whom the evidence is offered were on
 8 opposite sides in the former case, and a judgment or other determination could in that
 case have been made between them alone, though other parties were joined with both
 or either.

- 9 • Code of Civil Procedure § 1913. Conclusiveness of sister state judgment the
 10 same as a local judgment. This conclusiveness is extended to foreign nation
 11 judgment by Civil Code §§ 1653(j), 1713.1, 1713.3, 1908, 1913, and 1915.
 12 • The registration of the 1966 divorce judgment in courts of
 13 California, Nevada, Oklahoma, and Texas invokes the protection of the
 14 Full Faith and Credit Clause of the United States Constitution, and the
 15 statutory embodiment of that clause in California Code of Civil Procedure
 16 Section 1913 (as well as Civil Code Section 5004). California Code of
 17 Civil Procedure section 1913. Conclusiveness and Effect of Judgment of
 18 Sister State:

19 The effect of a judicial record of a sister state is the same in this state as in the
 20 state where it was made, except that it can only be enforced here by an action
 21 or special proceeding

- 22 • The protection of this statute is extended to foreign country
 23 judgments by California Civil Code § 5164; California Code of Civil
 24 Procedure §§ 1653(j), 1713.1, 1713.3, 1908, 1913, and 1915.
 25 • The full faith and credit clause is statutorily embodied in California
 26 Civil Code § 5004.
 27 • Section 5004. Full Faith and Credit Requirements. The application
 28 of this title is limited by the requirement of the Constitution of the United
 States that full faith and credit shall be given in each state to the public
 acts, records, and judicial proceedings of every other state.

Section 5004 reinforces similar protection in California Code of Civil Procedure
 Sections 1908 and 1913.

- 1 • Final judgment of a foreign country has the same effect as final judgment
2 rendered in California.
- 3 • Civil Code § 1915. A final judgment of any tribunal of a foreign country having
4 jurisdiction, according to the laws of such country, to pronounce the judgment,
5 shall have the same effect as final judgments rendered in this state.
- 6 • Civil Code § 5004. Requires full faith and credit be given to the six judgments
7 entered as local judgments in Nevada, Oklahoma, Texas, Colorado and the
8 California counties of Contra Costa and Solano.
- 9 • Civil Code § 5004. Full Faith and Credit Requirements.

7 The application of this title is limited by the requirement of the Constitution of
8 the United States that full faith and credit shall be given in each state to the
9 public acts, records, and judicial proceedings of every other state.

- 10 • Civil Code § 4554. Entry of prior judgment constitutes final adjudication of the
11 rights and obligations of the parties.
- 12 • Civil Code Section 4554. Effect of final judgment Entry of the final judgment
13 shall constitute a final adjudication of the rights and obligations of the parties
14 with respect to the status of the marriage and property rights and shall constitute
15 a waiver of their respective rights to spousal support, rights to appeal, and rights
16 to move for a new trial. [Note: This section of the Family Law Act provides
17 protection against the relitigation and collateral attack being prior divorce
18 judgments.]
- 19 • Civil Code § 5164. Filing of decree of another state shall be treated as custody
20 decree of local judgment.
- 21 • Civil Code Section 5164. Filing of Decree of Another State With superior Court
22 Clerk Expenses of Enforcing Decree. (a) A certified copy of a custody decree of
23 another state may be filed in the office of the clerk of any superior court of this
24 state. The clerk shall treat the decree in the same manner as a custody decree of
25 the superior court of this state. A custody decree so filed has the same effect and
26 shall be enforced in like manner as a custody decree rendered by a court of this
27 state.
- 28 • Code of Civil Procedure § 1713. Prior judgment is conclusive between the
29 parties, and this is extended to foreign country judgments by Code of Civil
30 Procedure §§ 1653(j), 1713.1, 1908, 1913, 1915; civil Code § 5165.
- 31 • Code of Civil Procedure Section 1713.3. Conclusiveness of Foreign
32 Judgment:

33 "A foreign judgment ... is conclusive between the parties ..." (This protection is
34 extended to foreign country judgments by Code of Civil Procedure § 1653(j),
35 1713.1, 1908, 1913, 1915; Civil Code § 5164; California Civil Code section

1 5164 provides that the registration of the 1966 divorce judgment with the
2 Superior Court, Contra Costa County, and Superior Court, Solano County, shall
3 provide not only the same recognition and protection against collateral attacks
4 and relitigation (See e.g., Civil Code Section 4554) as is granted to California
5 divorce judgments, but also enforcement of the judgments: A decree so filed
6 has the same effect and shall be enforced in like manner as a custody decree
7 rendered by a court of this state.

8 • Code of Civil Procedure § 1908. Conclusiveness of prior California judgment,
9 and extended to sister state and foreign country judgments by other statutes,
10 including Civil Code § 5172 and Code of Civil Procedure §§1653(j) and 1713.3.

11 • Code of Civil Procedure Code § 1908. Conclusiveness and Effect of
12 Judgment.

13 (a) The effect of a judgment or final order in an action or special proceeding
14 before a court or judge of this state [is] ... conclusive between the parties....
15 [extended to foreign country judgments by Civil Code Sections 5172, Code of
16 Civil Procedure Sections 1653(j), 1713.3.]

17 • Recitals in prior judgment are presumed to be true between the parties, including
18 the recital of proper exercise of jurisdiction.

19 Evidence Code § 622: Recitals in Written Instruments. The facts recited in a written
20 instrument are conclusively presumed to be true as between the parties thereto, or their
21 successors in interest.

22 • The parties to the prior divorce proceeding in 1965-1966 are presumed to intend
23 the ordinary consequences of their voluntary act.

24 Evidence Code § 665. Ordinary Consequences of Voluntary Act Intended. "A
25 person is presumed to intend the ordinary consequences of his voluntary act."

26 • The protection of the *quasi estoppel* doctrine is further provided by the
27 common law *Quasi estoppel* doctrine, as articulated in controlling federal
28 law, and in California decisional law, including *inter alia*, *In re Shank's
Estate* (1957) 154 Cal.App.2d 888: [O]ur courts have recognized another
species of estoppel, called 'quasi-estoppel,' which is based upon the
principle that one cannot blow hot and cold

1 • Evidence Code § 666. States that any court of California or of a foreign nation is
2 presumed to have acted in the lawful exercise of its jurisdiction.

3 Conclusive presumption that the prior court acted in the lawful exercise of its
4 jurisdiction protects appellant against the sole basis stated in the May 10, 1983
5 decision refusing appellant's motion to quash:

6 • Evidence Code § 666: Judicial Action Lawful Exercise of Jurisdiction.
7 [A]ny court of this state ... or ... any other nation ... is presumed to have
8 acted in the lawful exercise of its jurisdiction ... when the act ... is under
9 collateral attack.

10 Henceforth Submitted

11 *Andrew moore*
12 Andrew Moore

13 *July 11, 2008*

14 UCC 1-207.7 "Without Prejudice"

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1 Andrew Moore
2 c/o 7107 Broadway Ave Lemon Grove CA, United States of America
In my own right, without the assistance of counsel.
3 No telephone service maintained
4
5

FILED

2008 AUG 11 PM 2:27

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY KMH DEPUTY

6 UNITED STATES DISTRICT COURT
7 SOUTHERN DISTRICT OF CALIFORNIA
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13 SUNBELT TOWING, INC
14 DBA WESTER4N TOWNING
15
16)
17)
18)
19)

) CASE NO: 08 CV 1437 WQH BLM
15) *Affidavit in Support of*
16) Motion for Summary Judgment/
Alternative
17) Motion to Quash Summon/ Complaint
18) / Order to Show Cause Why the
19) Fictitious Plaintiff Complaint should not be
Dismiss with Prejudice

20 Plaintiffs
21
22 v
23

) Absence of Personal Jurisdiction
In California Courts
)

24 Andrew Moore
25
26 Defendants/ Respondents

) Rule of court 1230(a)(2) Special appearance
Challenge by Caveat Notice to Chief Clerk
DATE: SRPT 15, 2008
TIME: 11:00 AM
PLACE: DEPT 4
880 FRONT ST
SAN DIEGO CA 92101

27 Statement of Fact

28 The Respondents Andrew Moore Declare and Affirms , by Caveat Notice :

1 the Fictitious Plaintiff Complaint Qualified for a Motion to Quash Summons and Complaint
 2 because of the Essential fact of **Absence of Personal Jurisdiction In California Courts**
 3 **Rule of court 1230(a)(2) Special appearance challenging the court's personal jurisdiction by motion**
 4 **to quash / Order to show cause** , the Essential fact the fictitious Plaintiff who move in a
 5 Contempt of Court proceeding Against a real Party, (a) **failure to show how a claim of relief can**
 6 **be granted?** (b) What is the True Nature and Cause of
 7 Accusation ? (C) Give full disclosure of Contract of
 8 Affreightment under the Gold Fringe flag?
 9 How a claim of relief should not be granted in a Article III , District Court of the United State , wherefore no Common
 10 Law jury awarded judgment granting the fictitious Plaintiff Authorization to filed Maritime Claim that was Accepted for
 11 Value, and due to the process service who served none Authorized agent to received legal document in behalf of the
 12 Respondent , the Respondents further affirm the spurious claims by the fictitious Plaintiff erroneous mention the
 13 controversy involved \$20.00 or under the Ultimate the Federal Taxes Assessments has been tender and Caveat
 14 Notice to the Clerk of the Court the true amount of the Controversy is over \$ 20.00 The Respondents request for
 15 Alternative Order to show cause to the fictitious Plaintiff to display the Burden of Proof within 72 hour or Quash both
 16 the summon and Complaint by stipulations dismissal of the Instant Matter with Prejudice , due to want of Jurisdiction,
 17 *further Caveat to the clerk , the essential fact their no evidence statement of Account, nor none Notary Protest of*
 18 *Commercial Dishonor of Respondent statement of Account to the fictitious Plaintiff , who in default and Consent to the*
 19 *secondary term of agreement , pursuant to Article 9 of the Uniform Commercial Code, Perfection of Security*
 20 *Instrument/judgments nor Extra Territory Reach over the Respondents /1099b and Deed of Trust/ 1040 Voucher*
 21 *submit to the Post Master by Certified Mail to the department of the Treasury/ Internal Revenue Service .The state*
 22 *court clerk owe no duty to Dismiss for Want of Jurisdiction and **Absence of Personal Jurisdiction***
 23 **In California Courts Rule of court 1230(a)(2) Special appearance challenging the court's personal**
 24 **Jurisdiction by motion to quash / Order to show cause , why the fictitious Plaintiff complaint should not**
 25 **be dismiss , nor Order to show cause , prior to dismissal with prejudice within 72 hrs. and**
 26 **Summary Judgment in favor of the Respondents Andrew Moore further belief this spurious**
 27 **ambiguous , Claim should be further Dismiss in favor of the Respondents Andrew Moore due to**
 28 **the Fictitious Plaintiff under the color of office and federal Special Maritime Extra- Territory**
 Judgments in favor of the fictitious Plaintiff who proceeding as a Vexatious Litigants against a
 Real Living Being. Dated: AUG. 9, 2008

Henceforth Submitted

Acien Moore

Aut 11, 2008

ucc 1-207.7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
AUG 11 PM 2:27

SUNBELT TOWING, INC
DBA WESTERN TOWING
Plaintiff
vs.
ANDREW MOORE
Defendant

NO. 08 CV 1437 WQH BLM
DEPUTY
KVA

DECLARATION OF SERVICE

Person served:

SUNBELT TOWING, INC
DBA WESTERN TOWING
4370 PACIFIC HIGHWAY
SAN DIEGO CA 92110

Date served:

AUGUST 11, 2008

I, The undersigned declare under penalty of perjury that I am over the age of eighteen years and not a party to this action; that I served the above named person the following documents:

(1) AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT ALTERNATIVE
 (2) NOTICE TO DEFENDANT SUMMON AND COMPLAINT MOTION FOR SUMMARY JUDGMENT
 (3) MEMORANDUM POINT AND AUTHORITY, MOTION FOR SUMMARY JUDGMENT AND ALTERNATIVE
 In the following manner: (check one below)

1) By personally delivering copies to the person served.

2) By leaving, during usual office hours, copies in the office of the person served with the who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.

3) By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of his/her office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left.

4) By placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mails at San Diego, Ca on AUGUST 11, 2008

MAILED TO:

SUNBELT TOWING, INC
DBA WESTERN TOWING
4370 PACIFIC HIGHWAY
SAN DIEGO CA 92110
7004 2510 0005 4371 3932

CERTIFIED MAIL: 7004 2510 0005 4371 3932

F LeeF Lee

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SUNBET TOWNE, INC.
D B A WESTERN TOWNE
4370 Pacific Hwy
SAN DIEGO CA 92110

1101 Broadway #211
Lemon Grove, CA 91945
www.hrw.org

WATSON

7004 2510 0005 4371 3932

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information, visit our website at www.usps.com	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Send to STAN BOST WESTERN TOOLS INC
Street, Apt. No. 4370 Balfi C Hwy
or PO Box No. 4370 Balfi Hwy
City, State, Zip SAU DIRE CO 92110

Spec Reverse for instructions

ES Form 3399, July 2002

2000 0752 4000 7284 5000